IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6538 OF 2007

Ismail Husenbasha Shaikh : Petitioner

versus

The Deputy Commissioner(Supply)
Pune Division, Pune and others : Respondents.

Mr.R.S.Apte i/by A.S.Kulkarni for the Petitioner.
Mr.S.K.Chinchalikar, AGP, for the Respondents.

CORAM : A.P.DESHPANDE, J.

DATED : SEPTEMBER 29, 2007.

P.C.

1. Rule. Rule is made returnable forthwith. Taken up for final hearing by consent of all the parties.

2. Petitioner is a holder of licence of semi

wholesale for kerosene. He is carrying on the said business since last 20 years. After issuing a show cause notice to the petitioner as to why his licence should not be suspended, the Addl.Collector, by an order dated 7.5.2007 suspended the licence. Against the said order of suspension of licence, the petitioner preferred an appeal before the Deputy Commissioner (Supply), Pune Division, Pune vide an Appeal No.9 of 2007. The Appellate Authority, confirming the order passed by the Addl.Collector, dismissed the said appeal by an order dated 29.5.2007. Dissatisfied with the orders of suspending the licence, the petitioner preferred a revision before the State Government bearing Revision Application No.486 of 2007, which is pending for consideration with the Minister, Department of Food and Civil Supply, Maharashtra State, Mumbai.

3. In the first place, the petitioner has challenged the orders passed by the Additional Collector and the Deputy Commissioner and in the alternate, a prayer is made seeking writ of mandamus against the State Government for an expeditious decision of the appeal. The grievance is that, though the petitioner has

filed the revision in the month of June 2007, accompanied by the stay application, neither the orders are passed on the stay application nor the appeal has been fixed for hearing.

4. Having regard to the facts of the case, I deem it appropriate to grant alternate prayer made by the petitioner seeking directions against the Minister concerned for deciding the revision application expeditiously. The learned AGP, appearing for the State, submits that if so directed, the concerned Minister shall proceed to decide the appeal itself within a time bound period. The learned counsel appearing for the petitioner submits that a notice from the State Government to the Petitioner be dispensed with as the petitioner undertakes to remain present before the concerned Minister on 8th October 2007 at 11.00 a.m. The statement is accepted.

5. In this view of the matter, leaving all the questions open to be adjudicated in the revision, the writ petition is disposed of by directing Respondent No.3 to decide the revision filed by the petitioner bearing Revision Application No.486 of 2007 as expeditiously as

possible and preferably within a period of one month from today. The Third Respondent need not issue notice to the petitioner about the date of hearing as the petitioner has undertaken to remain present on 8th October 2007. The petitioner, at that point of time, could be intimated about the date of hearing, if it is not possible to hear the matter on 8th October 2007. Rule is made absolute in the above terms. Learned AGP undertakes to communicate this order to the concerned Minister and/or Department of the State of Maharashtra.

6. All concerned parties to act upon an ordinary copy of this order duly authenticated by the Court Sheristedar.

[A.P.DESHPANDE,J]